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6 GENERAL STAR INDEMNITY COMPANY

7
8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 GENERAL STAR INDEMNITY COMPANY,

CASE NO. C11-01565 SI

11 Plaintiff,

**STIPULATION TO STAY ACTION
AND ORDER STAYING ACTION**

12 v.

Action Filed: February 15, 2011

13 STEVEN D. BROOKS, Individually and as
Trustee of The BROOKS 2006

DISCOVERY CUTOFF: None Set

14 CHARITABLE REMAINDER UNITRUST
Dated 3/14/2006; CATHERINE S. BOOKS,

MOTION CUTOFF: None Set

15 as Trustee of The BROOKS 2006

TRIAL DATE: None Set

16 CHARITABLE REMAINDER UNITRUST

Dated 3/14/2006; BROOKS 2006

17 CHARITABLE REMAINDER UNITRUST

Dated 3/14/2006; and DOES 1 THROUGH
25, inclusive,

18 Defendants.

19
20
21 On February 15, 2011, Plaintiff General Star Indemnity Company ("General Star")
22 filed a Complaint for Subrogation, Indemnity, and Contribution against Steven D. Brooks,
23 individually and as Trustee of the Brooks 2006 Charitable Remainder Unitrust dated
24 3/14/2006, Catherine S. Brooks, as Trustee of the Brooks 2006 Charitable Remainder
25 Unitrust dated 3/14/2006, and Brooks 2006 Charitable Remainder Unitrust dated
26 3/14/2006 (collectively "Brooks") in the San Francisco County Superior Court, Case
27 Number CGC-11-508261.

28 On March 31, 2011, Brooks filed a Notice of Removal to the United States District

1 Court for the Northern District of California, Case Number C11-01565 JCS.

2 In its Complaint, General Star seeks amounts paid by General Star to defend and
3 indemnify its insured, Jay Morton ("Morton") in an action pending before the San
4 Francisco County Superior Court, Case Number 468359 (the "Underlying Action"). The
5 Underlying Action has proceeded to trial in the San Francisco County Superior Court and
6 has resulted in a verdict. No judgment has as yet been entered in the Underlying Action.

7 As Morton's subrogee, General Star "stands in the shoes" of Morton with respect to
8 its rights to recover defense and indemnity payments made on Morton's behalf in the
9 Underlying Action. General Star's rights cannot be determined until final judgment is
10 rendered in the Underlying Action.

11 WHEREFOR, General Star and Brooks, by and through their attorneys, stipulate as
12 follows:

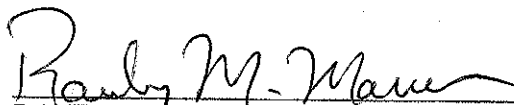
- 13 1. That this action be stayed by and between General Star and Brooks until
14 final judgment, including appeals, is entered in the Underlying Action;
- 15 2. That all discovery in this action shall be stayed until the stay in this action
16 is lifted by stipulation or court order;
- 17 3. This stipulation may be signed in counterparts and a facsimile signature
18 may be filed with the Court.

19 IT IS SO STIPULATED.

20 DATED: May 24, 2011

SINNOTT, PUEBLA,
CAMPAGNE & CURET, APLC

21
22 By:



RANDY M. MARMOR

Attorneys for Plaintiff GENERAL STAR
INDEMNITY COMPANY

1 DATED: May 24, 2011

2
3 By: 

4 THOMAS J. LOSAVIO

5 Attorneys for Defendants Steven D. Brooks,
6 individually and as Trustee of the Brooks
7 2006 Charitable Remainder Unitrust dated
8 3/14/2006; Catherine S. Brooks, as Trustee of
9 the Brooks 2006 Charitable Remainder
Unitrust dated 3/14/2006; and Brooks 2006
Charitable Remainder Unitrust dated
3/14/2006

10 **ORDER**

11 For good cause appearing, the Court accepts the parties' stipulation set forth above
12 and makes the following orders:

- 13 1. This action, including all discovery, is hereby stayed until final judgment,
14 including appeals, is entered in the Underlying Action;
- 15 2. General Start shall advise the Court when final judgment, including
16 appeals, is entered in the Underlying Action; and
- 17 3. Following receipt of notice that final judgment, including appeals, has
18 been entered in the Underlying Action, the Court shall schedule an initial
19 Case Management Conference.

20 DATED: May 26, 2011

21
22 By: 

23 Judge of the United States District Court for the
24 Northern District of California

25 GENSTAR\Morton\Pleadings\Stipulation and Order revised.doc

26 The Court will statistically close this case. Counsel may simply contact the
27 Court to have the case reopened at any point in the future.
28